

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 575, Pages 16-18,
2 Section 210.153, Lines 1-64, by deleting all of said section from the bill and inserting in lieu thereof
3 the following:

4 "210.153. 1. There is hereby created in the department of social services the "Child Abuse
5 and Neglect Review Board", which shall provide an independent review of child abuse and neglect
6 determinations in instances in which the alleged perpetrator is aggrieved by the decision of the
7 children's division. The division may establish more than one board to assure timely review of the
8 determination. In providing an independent review, the boards and their members shall objectively
9 decide whether a preponderance of the evidence establishes that the individual is responsible for
10 child abuse or neglect, and shall make decisions based only on the facts presented to the board. The
11 boards shall be independent of any control or interference by the division in their deliberations. The
12 boards shall act independently of the division so as to assure that due process of the law is afforded
13 to all parties involved in the proceedings. This section shall not be construed to prohibit the
14 department of social services or the children's division from providing any training or administrative
15 support to the boards.

16 2. [The] Each board shall consist of nine members, who shall be appointed by the governor
17 with the advice and consent of the senate[, and shall include:

- 18 (1) A physician, nurse or other medical professional;
19 (2) A licensed child or family psychologist, counselor or social worker;
20 (3) An attorney who has acted as a guardian ad litem or other attorney who has represented a
21 subject of a child abuse and neglect report;
22 (4) A representative from law enforcement or a juvenile office.

23 3. Other members of the board may be selected from:

- 24 (1) A person from another profession or field who has an interest in child abuse or neglect;
25 (2) A college or university professor or elementary or secondary teacher;
26 (3) A child advocate;
27 (4) A parent, foster parent or grandparent]. Each board member shall be a resident of the
28 state of Missouri. The term of office of each board member shall be three years. At the time of their
29 appointment, no more than five members of any board shall be of the same political party as the
30 governor. This requirement shall be effective for all nominations made after August 28, 2014.

31 [4.] 3. The following persons may participate [in a child abuse and neglect review board
32 review] in review proceedings before the board:

- 33 (1) Appropriate children's division staff and legal counsel for the department;
34 (2) The alleged perpetrator, who may be represented pro se or be represented by legal
35 counsel. The alleged perpetrator's presence is not required for the review to be conducted. The
36 alleged perpetrator may submit a written statement for the board's consideration in lieu of personal

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1 appearance; and

2 (3) Witnesses providing information on behalf of the child, the alleged perpetrator or the
3 department. [Witnesses] Such persons shall only be allowed to attend that portion of the review in
4 which they are presenting information.

5 4. The members of the board shall serve without compensation, but shall receive
6 reimbursement for reasonable and necessary expenses actually incurred in the performance of their
7 duties.

8 [6.] 5. All records and information compiled, obtained, prepared or maintained by the child
9 abuse and neglect review board in the course of any review shall be confidential information.

10 [7.] 6. The department shall promulgate rules and regulations governing the operation of the
11 child abuse and neglect review board except as otherwise provided for in this section. These rules
12 and regulations shall, at a minimum, [describe the length of terms,] describe the selection of the
13 chairperson, confidentiality, notification of parties and time frames for the completion of the review.

14 [8.] 7. Findings [of probable cause to suspect prior to August 28, 2004, or findings] by a
15 preponderance of the evidence [after August 28, 2004,] of child abuse and neglect by the division
16 which are substantiated by court adjudication shall not be heard by the child abuse and neglect
17 review board.

18 8. No current employee of the department of social services shall serve on the board."; and

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20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.
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